



State of Utah

Department of
Natural Resources

ROBERT L. MORGAN
Executive Director

Division of
Oil, Gas & Mining

MARY ANN WRIGHT
Acting Division Director

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

December 22, 2004

CERTIFIED RETURN RECEIPT
7099 3400 0016 8896 1683

Mr. Dan Meyer
183 Timber Lakes Estate
Heber City, Utah 84032-9694

Subject: In the Matter of Stop Work Conference, Findings, Conclusions and Order for the Fitzgerald Quarry Unpermitted Site, Cessation Order MC-04-04-01, M/045/064, Tooele County, Utah

Dear Mr. Meyer:

On December 16, 2004, the Division of Oil, Gas and Mining (Division) held a Stop Work Conference at the Fitzgerald Quarry M043/022 in Tooele County, Utah. The following individuals attended: Presiding: Mark Mesch, Acting Associate Director, Mining; Susan White, Mining Program Coordinator; Daron Haddock, Permit Supervisor; Doug Jensen, Paul Baker and Tom Munson, Senior Reclamation Specialists with DOGM, Rob Fitzgerald and L.R. Fitzgerald, Owners; Dan Meyer, property lessee; and Todd Wilhite, operator.

The Findings & Conclusions and Order in this matter are based on information provided by the Division and Todd Wilhite in connection with this Stop Work Conference, and on information in the files of the Division.

FINDINGS & CONCLUSIONS

1. Cessation Order MC-04-04-01 (1) was issued 11/10/04 for 'Mining without a permit' and required all mining to cease.
2. A modification to the Cessation Order was issued 11/23/04 requiring a Notice of Intention to Commence Large Mining Operations be submitted to the division by January 20, 2005.
3. In a memo received December 2, 2004, Todd Wilhite and Dan Meyer requested an on-site "inspection" (Stop work conference) for December 16, 2004.

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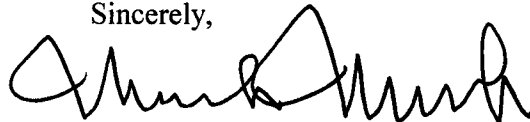
4. A Stop Work Conference was held December 16, 2004 at 10:30 am, in accord with R647-6-102.4.
5. Mr. Wilhite stated that they wanted to comply with the rules, but he did not realize a permit was necessary to remove rock from the site. He produced an e-mail from Tooele County Planner stating that no mining permit was needed if the rock was taken from the surface.
6. Mr. Wilhite stated that they were working on getting the NOI to the Division. He also stated that he was doing some reclamation work. We examined the work that had been performed. Tom Munson (DOGM) had been on-site earlier in the week and confirmed that some reclamation had occurred. A seed list provided by the Division had been ordered by Mr. Wilhite from Granite Seed Company.
7. Mr. Wilhite understood that reclamation work could continue but no mining or rock removal could occur until the division received and approved the required NOI.
8. It is concluded from the information and documents presented, that mining had occurred on the site without a permit.
9. It is concluded by the Conference Officer that the Cessation Order is affirmed.

ORDER

1. Cessation Order MC-04-04-01 (1), issued 11/10/2004, is hereby affirmed.
2. A fine of \$880.00 is assessed.

If you wish to appeal this Order, you may do so by contacting the Division within 30 days of receipt. Please contact Vickie Southwick at 801-538-5304.

Sincerely,



Mark Mesch
Acting Associate Director

MM:jb

cc: Daron Haddock, DOGM
Tom Munson, DOGM

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